

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PATRICIA WALKER, and on behalf
of herself and all those similarly
situated,

Plaintiff,

v.

VITAL RECOVERY SERVICES, INC.,
VITAL SOLUTIONS, INC., and
CHRISTOPHER J. SHULER,

Defendants.

CIVIL ACTION
NO. 1:13-CV-00534-AT

**JOINT MOTION FOR COURT APPROVAL OF THE
AGREED-UPON NOTICE AND CONSENT FORMS TO BE
SENT TO PUTATIVE COLLECTIVE ACTION MEMBERS**

Plaintiff Patricia Walker (“Plaintiff”) and Defendants Vital Recovery Services, Inc., Vital Solutions, Inc. and Christopher J. Shuler (collectively “Defendants”), respectfully move the Court to approve the content and format of the attached proposed class member Notice and consent forms to be mailed to putative collective action members in this case. Pursuant to the Court’s Order granting the parties’ Joint Motion to Stay Discovery, Grant Conditional Certification and Order Notice to the Class, Dkt. No. 28, the parties were to confer regarding the language of the proposed Notice and consent form and, if an

agreement could not be reached, to advise the Court of their respective positions. *See* Dkt. Nos. 26 at ¶ 8; 39. The parties hereby advise the Court that they have reached agreement on the Notice, consent form, and language for the front of the mailing envelope. Copies of the agreed-upon Notice, consent form and envelope language are attached as Exhibits 1-3, respectively.

The parties previously submitted a proposed Notice and consent form to the Court on July 15, 2013. Dkt. No. 42. The Court has not yet approved the previously-submitted proposed Notice and consent form. Since that earlier submission, the parties have further engaged in conferrals and agreed to a substantive revision to the proposed Notice. Based upon the parties' conferrals and the exchange of documents and information, the fourth purported allegation against Defendants has been removed from the proposed Notice. Thus, pursuant to the parties' Joint Motion and the Court's order granting the same, the parties respectfully request that the Court approve the attached Notice, consent form and envelope language attached hereto for mailing to prospective class members.

Respectfully submitted this 26th day of August 2013.

/s/ Alan H. Garber

Alan H. Garber
Georgia Bar No. 283840
ahgarber@garberlaw.net
Marc N. Garber
Georgia Bar No. 283847
mngarber@garberlaw.net
The Garber Law Firm, P.C.
Suite 14
4994 Lower Roswell Road
Marietta, Georgia 30068
Telephone: (678) 560-6685
Fax: (678) 560-5067

Attorneys for Plaintiff,
and the putative class

/s/ Daniel E. Turner

Daniel Turner
Georgia Bar No. 719330
daniel.turner@ogletreedeakins.com
Beth A. Moeller
Georgia Bar No. 100158
beth.moeller@ogletreedeakins.com
Ogletree, Deakins, Nash, Smoak &
Stewart, P.C.
One Ninety One Peachtree Tower
191 Peachtree St. NE, Suite 4800
Atlanta, GA 30303
Telephone: 404.881.1300
Fax: 404.870.1732

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PATRICIA WALKER, and on behalf
of herself and all those similarly
situated,

Plaintiff,

v.

VITAL RECOVERY SERVICES, INC.,
VITAL SOLUTIONS, INC., and
CHRISTOPHER J. SHULER,

Defendants.

CIVIL ACTION
NO. 1:13-CV-00534-AT

CERTIFICATE OF SERVICE

I certify that on August 26, 2013, I electronically filed the foregoing **JOINT MOTION FOR COURT APPROVAL OF THE NOTICE AND CONSENT FORMS TO BE SENT TO PUTATIVE COLLECTIVE ACTION MEMBERS** with the clerk of court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

Alan H. Garber
Marc N. Garber
The Garber Law Firm, P.C.
Suite 14
4994 Lower Roswell Road
Marietta, Georgia 30068

s/ Daniel E. Turner
Daniel E. Turner
Attorneys for Defendants